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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BALLY GAMING, INC., a Nevada corporation) CASE NO. 3:06-CV-00483-ECR-(RAM)
d/b/a BALLY TECHNOLOGIES,)

Plaintiff,)

vs.)

IGT, a Nevada corporation,)

Defendant.)

**DEFENDANT IGT'S REQUEST TO FILE
DOCUMENTS UNDER SEAL AND
| ORDER**

IGT, a Nevada corporation,)

Counterclaimant,)

vs.)

BALLY GAMING, INC., a Nevada corporation)
d/b/a BALLY TECHNOLOGIES,)

Counterdefendant.)

REQUEST TO FILE UNDER SEAL

Defendant, Counterclaim Plaintiff and Third-Party Plaintiff IGT (“IGT”) respectfully requests that the Court allow IGT to file the following documents under seal:

- IGT’s Motion for Leave to Amend Its Second Amended Answer, Counterclaims and Third-Party Complaint (the “Motion”); and the accompanying Memorandum of Points and Authorities in Support of the Motion;
- Defendant IGT’s [Proposed] Second Amended Answer to Plaintiff Bally’s Complaint for Patent Infringement; Third Amended Counterclaims for Declaratory Judgment of Non-Infringement, Invalidity, Unenforceability and Rights Under Purchase Agreement, and Breach of Contract; and Amended Third-Party Complaint for Declaratory Judgment of Rights Under Purchase Agreement and Breach of Contract, attached as Exhibit A to the Motion; and
- Confidential Declaration of Marc H. Cohen in Support of the Motion, and attached exhibits.

The Stipulated Protective Order Regarding Confidential and Privileged Information provides that, “To the extent that any Confidential or Highly Confidential Information is contained in, incorporated in, reflected in, described in, or attached to any document submitted to the Court, counsel shall file that submission under seal.” *See* Docket No. 54 at ¶ 12. The Order defines “Confidential” material as any information that the designating party has a good faith belief to be non-public. “Highly Confidential” material is any information that the designating party has a good faith belief to be proprietary information, trade secrets, or highly sensitive commercial or competitive information. *See id.* at ¶¶ 3-4. The exhibits attached to Motion and the Declaration of Marc H. Cohen contain Confidential and Highly Confidential information.

1 Based on the foregoing, IGT respectfully requests that this Court order the aforementioned
2 documents, along with all exhibits, to be maintained under seal.

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4 DATED: May 27, 2008

KIRKLAND & ELLIS LLP

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7 By: _____/s/_____

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23 Attorneys for Defendant and Counterclaimant
24 IGT, a Nevada corporation

25 IT IS SO ORDERED.

26 Dated: May 28 _____, 2008.

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Hon. Robert A. McQuaid, Jr.
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document entitled **IGT'S REQUEST TO FILE DOCUMENTS UNDER SEAL AND [PROPOSED] ORDER** was filed electronically in compliance with Local Rule 5-3. As such, this notice was served on all counsel who have consented to electronic service pursuant to Local Rule 5-4. Pursuant to Fed. R. Civ. P. 5 (b)(2)(A) and Local Rule 5-4, all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by First Class U.S. Mail on May 27, 2008.

/s/
Linda C. Bassett